



## INTERIOR BOARD OF INDIAN APPEALS

Estate of Comer Fast Eagle

15 IBIA 134 (03/17/1987)

Related Board case:  
16 IBIA 40



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

ESTATE OF COMER FAST EAGLE : Order Docketing and Dismissing Appeal  
:  
: Docket No. IBIA 87-28  
:  
: March 17, 1987

On March 10, 1987, the Board of Indian Appeals received a notice of appeal from Carl Joseph Fast Eagle (appellant) in the above estate. Appellant seeks review of a January 13, 1987, order approving will issued by Administrative Law Judge Elmer T. Nitzschke.

The appeal is docketed under the above case name and number which should be cited in all future correspondence or inquiries regarding the matter. The Board finds, however, that the circumstances of this case require that it be dismissed without prejudice.

The Board has been informed by the office of the Administrative Law Judge in Rapid City, South Dakota, that a petition for rehearing has not been filed in this estate. Under 43 CFR 4.241 and 4.320, rehearing must be sought from the Administrative Law Judge before the Board may hear an appeal. The present appeal is therefore premature.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is dismissed, without prejudice.

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//original signed

Anita Vogt  
Acting Chief Administrative Judge

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//original signed

Kathryn A. Lynn  
Administrative Judge